

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. EDCV 15-1428-JGB (JEM)

Date December 9, 2015

Title BRUCE DE LA CRUZ v. MICHAEL LEE, et al.

Present: The
Honorable

John E. McDermott, United States Magistrate Judge

S. Anthony

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings:

**(IN CHAMBERS) ORDER TO SHOW CAUSE RE: PLAINTIFF'S
SUBMISSION OF REQUEST TO PROCEED WITHOUT
PREPAYMENT OF FILING FEES WITH DECLARATION IN
SUPPORT**

On August 3, 2015, the Court denied Plaintiff's Request to Proceed Without Prepayment of Filing Fees ("IFP Request") because Plaintiff failed to authorize disbursements from his prison trust account to pay the filing fee and failed to file a request to proceed in forma pauperis.

On August 28, 2015, Plaintiff filed a Motion for Reconsideration of Dismissal for Lack of Prepayment of Filing Fees ("Motion for Reconsideration"). In his Motion for Reconsideration, Plaintiff stated that prison officials inadvertently failed to include the trust account statement with his complaint, but that it was sent separately. Plaintiff included a copy of his trust account statement, a request to proceed in forma pauperis, and a copy of his complaint.

However, the form used by Plaintiff lacked the necessary language authorizing prison officials to assess, collect and forward fees to the Court. Accordingly, on September 4, 2015, the Court issued an order requesting the Clerk to provide Plaintiff with a blank Request to Proceed Without Prepayment of Filing Fees with Declaration in Support, which Plaintiff was directed to fill out completely and re-submit no later than September 18, 2015. Thereafter, the Court would reconsider Plaintiff's IFP Request along with the other documents he had submitted.

To date, Plaintiff has not submitted the correct Request to Proceed Without Prepayment of Filing Fees with Declaration in Support, as ordered.

Accordingly, Plaintiff is ORDERED TO SHOW CAUSE why his Motion for Reconsideration should not be denied and this matter terminated for Plaintiff's failure to submit the necessary documentation in support of his IFP Request. Plaintiff shall file a written response to the Order to Show Cause no later than **December 30, 2015**. Plaintiff's failure to respond in writing to the Order

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to Show Cause by the deadline may result in the denial of the Motion for Reconsideration and dismissal of this action. Filing a completed Request to Proceed Without Prepayment of Filing Fees with Declaration in Support shall be a satisfactory response to the Order to Show Cause. The Clerk is directed to provide Plaintiff with another copy of the form.

IT IS SO ORDERED.

cc: Parties

Initials of Preparer _____ : _____
sa